

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**In re: Ethicon, Inc. Pelvic Repair System  
Products Liability Litigation**

**MDL NO. 2327**

**THIS DOCUMENT RELATES TO ALL CASES**

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**APPLICATION OF LEE B. BALEFSKY FOR MEMBERSHIP  
ON PLAINTIFFS' STEERING COMMITTEE**

I, Lee B. Balefsky, am a partner in Kline & Specter, P.C., a twenty-nine lawyer firm with its principal office in Philadelphia, Pennsylvania. Our firm represents plaintiffs in mass tort and catastrophic injury cases. The firm is headed by attorneys Tom Kline and Shanin Specter, both named among the "Best Lawyers in America," *Pennsylvania Super Lawyers*, and as members of the Inner Circle of Advocates, a select group limited to 100 of the nation's best plaintiffs' attorneys. Our firm's website, [www.klinespecter.com](http://www.klinespecter.com), contains an archive of many of the achievements of Kline & Specter, P.C., including a long list of seven and eight-figure jury verdicts and settlements in many areas of civil litigation, including pharmaceutical and drug device litigation. ([www.klinespecter.com/major\\_victories.html](http://www.klinespecter.com/major_victories.html)) We have a national reputation as trial lawyers who have achieved outstanding results, including over thirty (30) eight-figure jury verdicts and settlements in individual cases. Our cases have resulted in safety changes in medicine, industry and government.

I am the managing partner of the firm's Mass Tort Department. Kline & Specter, P.C. was selected as the nation's No. 1 law firm for Product Liability, plaintiff representation, for 2011-2012 by the peer-review rating service *Best Lawyers*. The award was announced in *U.S. News & World Report* magazine. In announcing Kline & Specter's best-in-the-nation Product Liability selection, *Best Lawyers* noted: "Only one law firm in each of the nationally ranked

legal practice areas is receiving this recognition, making this award a particularly significant achievement.”

I have been named in “Best Lawyers” of America, and for eight consecutive years have been selected by *Super Lawyers* Magazine in the practice area of Mass Torts to be among “The Best Attorneys in Pennsylvania”. I am Board Certified in Civil Litigation by the National Board of Trial Advocacy. My experience in pharmaceutical litigation, mass tort, and medical device cases is extensive and dates back to the late 1970’s. I’ve personally tried numerous mass tort and pharmaceutical cases, and have resolved thousands of pharmaceutical, mass tort, and drug and device cases by settlement.

I have demonstrated the willingness and ability to work cooperatively with others. I have served as Liaison Counsel for several pharmaceutical drug and medical device cases in the Court of Common Pleas of Philadelphia County, Pennsylvania including: Denture Adhesive Litigation; Vioxx; Baycol; PPA; and Fen-Phen. In addition, I participated on several committees in the Vioxx MDL.

Our firm is uniquely equipped to serve on the Steering Committee for this litigation. Our firm includes seven (7) physician-attorneys who are trained in the fields of gynecology, obstetrics, general surgery, pediatric surgery, transplant surgery, cardiothoracic surgery, emergency medicine, and anesthesia. Lisa Dagostino, M.D., J.D., M.Be., LL.M is a partner of the firm and is a trained obstetrician/gynecologist. Mark Hoffman, M.D., J.D., M.S., M.Be., LL.M is also a partner of the firm and is trained in general surgery, pediatric surgery, and transplant surgery. Mark S. Polin, M.D., J.D., is an associate of the firm and is also a trained obstetrician/gynecologist. Both Dr. Dagostino and Dr. Hoffman have extensive experience in pharmaceutical litigation. Dr. Dagostino and Dr. Polin have performed pelvic organ prolapse

repairs and stress urinary incontinence procedures, the very subject of this litigation. All three physician-attorneys have experience with surgical mesh, and Dr. Hoffman has published on its use in abdominal surgery.

Kline & Specter, P.C. has made a major commitment to the Pelvic Repair Systems Product Liability Litigation. We presently represent several hundred women who have suffered injuries as the result of mesh devices manufactured by each of the defendants in this litigation. We are part of the team already in place prosecuting the case against Ethicon, Inc. in New Jersey State Court before the Honorable Carol Higbee.

Both I and our firm meet every one of the criteria prescribed by the Court. We have committed vast resources, including an already large six figure investment in the project. We have the ability to work with others as demonstrated by my leadership, described above, and our current cooperative effort in the New Jersey cases. We also have the requisite professional background, including my experience as a mass tort and drug product liability trial lawyer, backed by a financially and professionally deep law firm.

In addition, I have reviewed the proposed counsel structure plan, filed with the Court for MDL's 2325, 2326 and 2327 on March 19, 2012, and join in the recommendations to the Court that the plan be accepted.

Respectfully submitted,

KLINE & SPECTER,  
A Professional Corporation

By:


  
LEE B. BALEFSKY

DATE:

3/29/12

**CERTIFICATE OF SERVICE**

I hereby certify that on March 29, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

  
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